

CONFIDENTIAL

84-3424

The Honorable Philip Young
Chairman
U. S. Civil Service Commission
Washington 25, D. C.

Dear Mr. Young:

In reply to your letter of 7 July 1953, I am enclosing in duplicate Exhibit L-1, recommending the exemption of the position of Deputy Director of Central Intelligence from the Annual and Sick Leave Act of 1951, as amended. Although this officer is not specifically exempted by the provisions of Public Law 102, 83rd Congress, consideration of the factors outlined in your letter indicates that he would appropriately be removed from the provisions of the Act.

Lieutenant General C. P. Cabell, USAF, who is serving as the Deputy Director of Central Intelligence, is entitled under the provisions of Public Law 15, 83rd Congress, to the rights and benefits of the military leave system during his occupancy of this office. However, I am recommending the exemption of the position from the Annual and Sick Leave Act in the event of the appointment of a civilian to the position at some future date.

The only other position in the Central Intelligence Agency which would be exempted is that of Director, which according to Public Law 102 is mandatorily exempt.

Sincerely yours,

Allen W. Dulles
Director

Enclosure
Exhibit L-1

MORI/CDF

CONFIDENTIAL

Official

STAT

CONCURRENCES:

STAT

[Redacted]

STAT

General Counsel

[Redacted]

Admly Comptroller

Originator:

[Redacted]

Personnel Director

Approved:

[Redacted]

STAT

Acting Deputy Director
(Administration)

OPD:RFS: [Redacted] /nh (14 July 1953)

STAT

Distribution:

0 1 - Addressee

2 - DCL

1 - A-DD/A

1 - General Counsel

1 - Comptroller

1 - AL/F File - *W. Davis*

1 - JPD

3 - JFS

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ER-4-3170

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

ADDRESS ONLY
"CIVIL SERVICE COMMISSION"
IN YOUR REPLY REFER TO
FILE
AND DATE OF THIS LETTER

July 7, 1953

Public Law 102, of July 2, 1953, exempted certain specified officers from the provisions of the Annual and Sick Leave Act of 1951, as amended, and authorized the President to designate additional officers as being exempted from that Act. The following material consists of a general explanation of the effect of Public Law 102 and a request for your recommendation of those officers in your agency who should be designated by the President to be exempted from the Annual and Sick Leave Act of 1951.

This Act provides, among other things, that beginning with the first pay period starting after July 2, 1953 (date of enactment of amendment) the 1951 Annual and Sick Leave Act shall no longer apply to the following officers in the executive branch of the Government, the government of the District of Columbia or corporations wholly owned or controlled by the United States:

First, persons appointed by the President, by and with the advice and consent of the Senate, or by the President alone, whose rates of basic compensation exceed the maximum rate provided in the General Schedule of the Classification Act of 1949, as amended;

Second, persons who receive compensation in accordance with section 411 of the Foreign Service Act of 1946; and

Third, such other officers (except postmasters, United States attorneys, and United States marshals) as may be designated by the President.

1. Selection of Officers

In general, the following factors should be considered in identifying positions the incumbents of which should be removed from the 1951 Annual and Sick Leave Act, as amended, by Presidential action:

- 2 -

- a. Policy involved - Officers who are exempted retain their freedom to absent themselves from duty during periods of illness or for vacation and personal reasons by virtue of their status as officers. Officers who are not exempted lose their present freedom with respect to hours of work but, together with employees, retain their statutory rights to annual and sick leave and lump-sum payments for any unused annual leave to their credit (within the limits established by law) upon their separation from the service.
- b. Tenure - Officers specifically exempted by law are those whose tenure in the positions they currently occupy is specifically limited or of uncertain duration. The fact that an officer has civil-service status and was promoted to his present position from a career-type position is not pertinent in any such instance. Likewise, officers exempted by Presidential action should be those whose tenure in the positions they currently occupy is specifically limited or of uncertain duration.
- c. Nature of Position - Officers specifically exempted by law occupy positions at a level and of a type generally requiring some or all of the following elements (a) continuing responsibility even during periods of absence from the office, (b) policy formulation and decisions based on public contacts outside official hours and away from the officers' official post of duty, and (c) self-supervision and responsibility. By the same token, officers exempted by the President should be restricted to but include all officers whose positions qualify under this standard.
- d. Disposition of Leave - The accumulated and accrued unused annual leave to the credit of an officer now or hereinafter exempted from the 1951 Annual and Sick Leave Act, as amended, is held in a "state of suspense" from the date of his exemption until (a) he leaves the Federal service in which event it will be liquidated by a lump-sum payment based on the rate of pay he was receiving at the time of his exemption, or (b) he leaves his position as an exempted officer to serve in a nonexempt position in which event it will be recredited to him together with any unused sick leave he may have had to his credit at the time of his exemption.

2. Information Required

Each department and establishment is requested to submit its recommendations in duplicate in a manner similar to Exhibit I-1 attached, to me not later than July 20, 1953.

- 3 -

a. Column instructions:

Column 1 - Officer's Name: Show the officers full name exactly as it appears on the payroll.

Column 2 - Title: Show the officers official payroll title and include organizational or functional title if different.

Column 3 - Salary and Authority: Show officers current base salary and cite the authority upon which it is based.

Column 4 - Tenure: Show duration of appointment if specifically limited - if not specifically limited, show date of appointment in the "From" subcolumn and insert NL in the "To" subcolumn.

Column 5 - Duties: If the title or titles in column 2 are not sufficiently descriptive to indicate clearly the nature of the officer's position, add a word or so here as required.

3. Inquiries

Inquiries concerning this request and your recommendations may be made to Mr. J. Don Kerlin, code 189, extension 526.

Sincerely yours,

A handwritten signature in cursive script that reads "Philip Young".

Philip Young
Chairman

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Exhibit L-1

Department or Establishment

19

Date

Officers recommended for removal from the
1951 Leave Act, as amended, by Presidential Action

Approved: _____
(Signature of head of department
or agency)

Officer's Name 1.	a. Official Title b. Organizational Title 2.	Salary and Authority 3.	Tenure		Duties 5.
			From	To	

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MAY 29 1953

The Honorable Philip Young
Chairman, Civil Service Commission
Washington 25, D. C.

Dear Mr. Young:

This Agency is preparing to issue appropriate regulations pursuant to Executive Order 10450 relating to security requirements for Government employment. I feel it appropriate to indicate to you some of the special considerations applying in the case of this Agency, necessitated by the laws applicable in this general field to CIA.

With reference to Section 9 of Executive Order 10450, I wish to quote from the letter which I sent to the Director of the Bureau of the Budget on 16 March 1953 when our comments were requested on the original draft of the proposed Executive Order:

Reference is made to paragraph 9(a) and (b) regarding the establishment and maintenance by the Civil Service Commission of a security investigations index covering all persons as to whom security investigations have been made by any Government agency under this Order and directing all agencies to furnish to the Civil Service Commission appropriate information for the establishment and maintenance of the index. Attention in this connection is invited to Section 7 of the Central Intelligence Agency Act of 1949 (P. L. 110 - 81st Congress) which provides that CIA shall be exempted from the provisions of any law which requires the publication or disclosure of CIA organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. The furnishing of a complete roster of the names of CIA employees, which in effect would be required by compliance with paragraph 9, would be inconsistent with CIA security requirements and with the Central Intelligence Agency Act of 1949. However, we would desire, whenever consistent with the security of sensitive operations,

OGC Has Reviewed

to continue to furnish to the Civil Service Commission the names of employees who are terminated for security reasons by CIA. The handling of such information would continue under the present special arrangements with the Commission which have been designed to protect sensitive CIA operations."

We assume there is no necessity for changing the special arrangements previously made with the Commission mentioned in that letter and we shall therefore continue those arrangements which were designed for the protection of CIA security.

In connection with Sections 3(a) and 8(c) of Executive Order No. 10450, you are advised that CIA makes its own security investigations, which are in effect a full field investigation of all of its employees, except where special considerations dictate that a full field investigation should be made by the Federal Bureau of Investigation.

In connection with Section 3(b) of Executive Order 10450, I have designated all regular positions in the Central Intelligence Agency as sensitive positions within the meaning of the Executive Order. I believe that this action is warranted in view of the nature of the work of the Agency and the fact that occupants in any position in the Agency could bring about a material adverse effect on the national security.

The President's letter to the heads of Executive departments and agencies dated 27 April 1953 relating to this subject and the letter from the Commission dated 1 May 1953 refer to designation of appropriate individuals to be available for service as members of security hearing boards of other departments and agencies. These designations will be furnished to you under separate cover.

Sincerely yours,

SIGNED

Allen W. Dulles
Director

OGC? WLPforzheimer/blc
Orig. & 1 - Addressee
2 - Signer
2 - OGC
1 - DD/A
1 - Director of Security
1 - AD/Personnel

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